

### REMARKS

Claim 1 has been canceled. Claims 35, 43, 51, 59 are amended. No new matter has been added. Claims 31 - 61 are under examination.

### EXAMINER INTERVIEW SUMMARY

On August 9, 2006, Ronald M. Pomerence, representative for the Applicants, conducted a telephonic interview with Examiners Sean M. Weinman and Thomas Lee. The claim limitation of “a persistent memory device” in Claim 31 was discussed with respect to Collins et al. (US Patent No. 5,845,090). The Examiners agreed with the Applicants’ argument that the Claim 31 is patentable over Collins. The Examiners agreed to withdraw the finality of the rejection.

### CLAIM AMENDMENTS

Applicants assert that the amendments to Claims 35, 43, 51, 59 are to correct informalities. Therefore, the Applicants assert that entrance of these claim amendments will not require any further consideration by the Examiner and will not require a further search.

### CLAIM REJECTIONS - 35 USC § 112

Claims 35-36, 43-44, 51-52 and 59-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have replaced “a software application” with “the software application” in Claims 35, 43, 51, 59. Thus, the rejection has been overcome.

### CLAIM REJECTIONS - 35 USC § 102

Claims 31, 39, 47, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al. (US Patent No. 5,845,090). The rejection has been successfully traversed for the following reasons.

As discussed in the Examiner Interview Summary, the Applicants discussed the rejection in view of Collins with the Examiners by telephone on August 9, 2006 and the Examiners agreed to withdraw the rejection.

### CLAIM REJECTIONS - 35 USC § 103

Claims 1, 31-36, 38-44, 46-52, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US Patent No. 5,845,090) in view of Carroll et al. (US Patent No. 6,301, 707). The rejection is respectfully traversed for the following reasons.

Carroll does not remedy the deficiencies in Collins with respect to the claim limitations of “copying the install file from the first computer system to the persistent memory device” and “under direction of the install file, copying at least a portion of the information associated with the software application from the persistent memory device to a second computer system.” Therefore, Claims 31-36, 38-44, 46-52, and 54-60 are patentable over Collins in view of Carroll.

Claims 37, 45, 53, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins, in view of Carroll, in further view of Kitagawa (US Patent Publication 2002/0100037). The rejection is respectfully traversed for the following reasons.

Kitagawa does not remedy the previously discussed deficiencies in Collins and Carroll. Therefore, Claims 37, 45, 53, and 61 are patentable over Collins in view of Carroll, in further view of Kitagawa.

### CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: August 14, 2006



Ronald M. Pomerence  
Reg. No. 43,009

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080  
Facsimile No.: (408) 414-1076

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on Aug. 14, 2006 by Tredy Bagdon